

Notice of Allowability

Application No.

10/518,203

Applicant(s)

DUBROVSKY, ARKADY
VENIAMINOVICH

Examiner

Michael Peffley

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3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12-16-04.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 5-9-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William Evans on July 12, 2007.

The application has been amended as follows:

Claim 1, line2: "their" has been removed

Claim 2, line 2: "the" (second occurrence) has been removed

Claim 6, line 1: --of the driving, the driven and the transmitting—has been inserted after "each"

Claim 8 has been rewritten as follows:

8. The device of claim 1, wherein an intermediate part (20) having end surfaces (21, 21') chamfered in opposite directions and mated to come into engagement with the respective chamfered end surfaces (5, 5') of the proximal and distal parts (2, 6) in order to rotate with respect to the proximal and distal parts of the hollow body (1) is additionally provided in between the proximal and distal parts (2, 6) of the hollow body (1), and contains the transmitting section which is formed of two parts (12, 12') connected kinematically and designated to transfer a rotational motion.

Claim 10 has been rewritten as follows:

10. The device of claim 1, wherein an intermediate part (28) having end surfaces chamfered and mated to come into engagement with the respective chamfered end surfaces of the proximal and distal parts (2, 6) in order to rotate with respect to the proximal and distal parts is provided between the proximal and distal parts (2, 6) of the hollow body (1) and contains a hollow cylindrical element (30) arranged inside the intermediate part in coaxial alignment to the hollow body (1), said cylindrical element (4) in the proximal part (2), the cylindrical element (30) in the intermediate part (28) and the distal part (6) being engaged in between by means of teeth provided on facing end surfaces thereof (29,31 and 29', 31'), said transmitting shaft section (12) being connected with the driving and driven sections (11, 13) by means chosen from the group consisting of cardan joints (27) and gears.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art fails to disclose the particular tool rotating device comprising the hollow body having a proximal part formed of two coaxial and relatively rotatable cylindrical elements and a distal part including a link for transferring a working motion comprising a shaft having a driven and a driving section connected to vary their angular position as set forth in the instant application claims. Several prior art references disclose various instruments having means to rotate a shaft to vary the angular position of the device. For example, Fox et al (6,050,989) and Scott et al (5,549,634) disclose medical devices that have

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means to change the angular position of the main shaft. However, neither discloses the particular shaft components comprising a proximal section having two coaxial, rotatable cylindrical elements and the linking and work transfer system as set forth in the instant application claims. Ratzowski et al (5,073,145), Lightle et al (4,947,942) and Richmond et al (4,071,029) disclose various other tools that include an angularly displaceable shaft and similarly fail to disclose the elements as set forth in the instant application claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Peffley whose telephone number is (571) 272-4770. The examiner can normally be reached on Mon-Fri from 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Peffley/
Primary Examiner
Art Unit 3739

/mp/
July 12, 2007